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CITIZENS REPORT

# Major Developments affecting Civil-Military Relations in Pakistan

*First Two Years of the Federal Government*

June 01, 2013-May 31, 2015

CIVIL-MILITARY RELATIONS | OCTOBER 2015

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**Islamabad Office:** P. O. Box 278, F-8, Postal Code: 44220, Islamabad, Pakistan  
**Lahore Office:** P. O. Box 11098, L.C.C.H.S, Postal Code: 54792, Lahore, Pakistan  
E-mail: [info@pildat.org](mailto:info@pildat.org) | Website: [www.pildat.org](http://www.pildat.org)

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## PREFACE

PIL DAT, following its belief that a constitutional equation in Pakistan's civil-military relations is fundamental to not only strengthening of the country's democracy, but also for the development of civilian institutions and maintaining professionalism in the Armed Forces, has been monitoring civil-military relations in Pakistan since 2004. This belief is further strengthened by the country's peculiar history vis-à-vis frequent military interventions. Therefore, even though Pakistan saw its first civilian transfer of power under a civilian set-up after General Election 2013, Pakistan does not seem to reach a non-reversible democratic dispensation and a constitutionally prescribed civil-military relations.

This report analyses major developments that have impacted civil-military relations during the first two years of the Federal Government that assumed office as a result of May 2013 General Election. The report also examines some of the relevant regional and international incidents in civil-military relations.

### Acknowledgments

PIL DAT would like to appreciate the guidance extended by its Dialogue Group on Civil-Military Relations to bring the Report to its final shape and form. Although the valued input of the members of the Dialogue Group on Civil-Military Relations in Pakistan is greatly appreciated by PIL DAT, the Report in its final shape and form may not completely represent the views of the Group members.

### Disclaimer

PIL DAT team has used publicly available data and published sources in putting together this report. Any omission or error, therefore, is not deliberate.

Islamabad  
October 2015

### List of Abbreviations and Acronyms

|        |                                              |
|--------|----------------------------------------------|
| AFIC   | Armed Forces Institute of Cardiology         |
| AKP    | Justice and Development Party (Turkey)       |
| C-in-C | Commander-in-Chief                           |
| CCNS   | Cabinet Committee on National Security       |
| COAS   | Chief of Army Staff                          |
| FC     | Frontier Corps                               |
| ISI    | Inter-Services Intelligence                  |
| ISPR   | Inter-Services Public Relations              |
| LEA    | Law Enforcement Agencies                     |
| NACTA  | National Counter Terrorism Agency            |
| NID    | National Intelligence Directorate            |
| NSC    | National Security Committee                  |
| PAT    | Pakistan Awami Tehreek                       |
| PCNS   | Parliamentary Committee on National Security |
| PML-N  | Pakistan Muslim League-Nawaz                 |
| PPPP   | Pakistan Peoples Party (Parliamentarian)     |
| PTI    | Pakistan Tehreek-e-Insaf                     |

## Executive Summary

Civil-Military relations in Pakistan for the period June 01, 2013-May 31, 2015 were preceded by the watershed event of the first-ever civilian transfer of power under a civilian set-up after the General Election 2013. For many, this marked the close of the era of Military interventions in Pakistan's history, a perception strengthened following the announcement of proceeding with a High Treason trial against Gen. (Retd.) Pervez Musharraf for the imposition of the Emergency (a *de facto* Martial Law) in November 2007. It was also hoped that the somewhat clear thinking exhibited by the PML-N in its manifesto prior to the General Election 2013, vis-à-vis civil-military relations, especially in comparison to the PPPP and the PTI,<sup>1</sup> would translate into a comprehensive national security policy.

However, as subsequent developments would show, the high-note hit after the PML-N Government came into power was to be squandered, not only fraying civil-military relations, but also resulting in the Army's ascendancy in security policy formulations and in matters related to Pakistan's foreign policy. Therefore, civil-military relations in Pakistan have not strengthened along constitutional lines not only because of the ascendancy of the Military seen in the security and foreign policy formulations, but also because of public statements occasionally traded between the civil and military leaderships during the past two years involving almost all major political parties such as PML-N, PPPP and PTI.

The first sign of discord emerged when the former President, Gen. (Retd.) Pervez Musharraf was rushed to the Armed Forces Institute of Cardiology (AFIC) on January 02, 2014 due to his reported complaint of chest pain,<sup>2</sup> as he was on his way for his first appearance in front of the Special Court constituted to carry out his High Treason trial. Following the development, the friction between the civil-military leadership became apparent as Gen. (Retd.) Pervez Musharraf continued to stay put at the well-protected AFIC while the civilian Government and the Judiciary made unsuccessful attempts to have him appear before the Special Court.

Another cause of contention was the **significant developments in the Missing Persons Case** during the month of March 2014, which saw an FIR being registered against a *Naib Subedar* of Pakistan Army on behalf of the Federal Minister for Defence, Khawaja Muhammad Asif, MNA on the charge of forced disappearance of one of the 35 internees from the Malakand internment centre.<sup>3</sup> Additionally, statements made by Federal Minister for Defence, Khawaja Muhammad Asif, MNA and the Federal Minister for Railways, Khawaja Saad Rafique, MNA decrying and ridiculing Gen. (Retd.) Pervez Musharraf's hesitation to appear before the Special Court further compounded the situation.<sup>4</sup>

Therefore, the proverbial cat was out of the bag when the COAS, **Gen. Raheel Sharif, finally spoke out in an extremely candid Press Release through the ISPR** on April 07, 2014, stating that '*while our country is faced with multiple internal and external challenges, Pakistan Army upholds the sanctity of all institutions and will resolutely preserve its own dignity and institutional pride*' while responding '*to the concerns of soldiers on undue criticism of the Institution in recent days*'.<sup>5</sup>

It was a bold and clear message that all was not well within the rank and file of the Pakistan Army with regards to the mounting criticism it was facing, especially by the members of the Federal Cabinet who apparently were settling old scores with Gen. (Retd.) Pervez Musharraf, leading to friction with the Military leadership. Additionally, many were shocked that the elected Government was already at odds with Military leadership, especially under Gen. Raheel Sharif whom the Prime Minister had selected only seven months ago.

Although the Prime Minister made an attempt to mend fences when he termed Gen. Raheel Sharif as a role model for

1. For details, please see the PILDAT publication titled Civil-Military Relations in Pakistan: Comparative Analysis of Election Manifestoes of PML-N, PPPP and PTI, which can be accessed at: [http://www.pildat.org/publications/publication/elections/Election2013\\_ManifestoesComparison.pdf](http://www.pildat.org/publications/publication/elections/Election2013_ManifestoesComparison.pdf)
2. For details, please see Musharraf complains of chest pain; rushed to the AFIC, The News, January 02, 2014, as accessed on April 28, 2015 at: <http://www.thenews.com.pk/article-132632-Musharraf-complains-of-chest-pain-rushed-to-AFIC>
3. For details, please see 35 missing: FIR lodged against petty officers, Dawn, March 22, 2014, as accessed on April 28, 2015 at: <http://www.dawn.com/news/1094806/35-missing-fir-lodged-against-petty-officers>
4. During his interview on the Capital Talk on April 02, 2014, Khawaja Muhammad Asif ridiculed Gen. (Retd.) Pervez Musharraf saying that he puffed up his chest because of wearing a life jacket. Khawaja Saad Rafique also advised the former dictator to 'show courage, be a man, and shun the acting'.
5. For details, please see the Press Release issued by the ISPR on April 07, 2014, as accessed on July 16, 2015 at: [https://www.ispr.gov.pk/front/main.asp?o=t-press\\_release&date=2014/4/7](https://www.ispr.gov.pk/front/main.asp?o=t-press_release&date=2014/4/7)

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young Army officers at the passing out parade at the Pakistan Military Academy, Kakul on April 19, 2014,<sup>6</sup> civil-military relations were further dented with the divergent positions taken by various institutions on the **assassination attempt on renowned journalist Mr. Hamid Mir** the very same day. Significant was the irresponsible response that emanated from the Geo Television network, and the divergent reactions by the civil-military leadership, to it.<sup>7</sup>

Given the statements by some sitting Ministers blaming Mr. Imran Khan for following the diktats of the 'Establishment'- a euphemism used in Pakistan for military and its intelligence apparatus - in taking his anti-Government and anti-Geo stance, and the **Prime Minister's visit to India to attend the Swearing In Ceremony** of Prime Minister Elect, Mr. Narendra Modi, many observers believed that the lines had been drawn in what was apparently developing friction in civil-military relations.

Civil-military relations came to the brink during the **sit-ins by the PTI and PAT** in August 2014 with intimidating posturing seen from both sides, amidst fears that the elected Government of the PML-N might be shown the door due to the chaos that prevailed in Islamabad. This was especially the case following the attack by the protestors on the Pakistan Television Headquarters on September 01, 2014. However, the protests fizzled out not only due to the support affirmed by all the major political parties for the elected PML-N Government during the Joint Session of the Parliament in September 2014, but also by the claims made by Mr. Javed Hashmi pointing towards a '*scripted plan*' to overthrow the Government, using violent protests as a justification to necessitate the Army's intervention. The sit-ins and the way these paralyzed the business of the state in its capital for 8 months and more importantly the way this extra-ordinary agitation and its extensive media coverage humiliated top state functionaries and institutions, has led to a visible humbling of the democratically elected political leadership and an equally visible ascendancy of military influence in major policy formulation and even day-to-day decision making. A new arrangement seems to have evolved after the elected political leadership was made to realize its vulnerability to power play. Subservience of the political leadership to military and looking up to them for important decisions whether in the domestic or international arena has not escaped the attention of foreign powers who now pay much greater attention to the military leadership in their dealings with Pakistan than they ever did under civilian rule. After open and declared military rule four times in the past and varying degrees of behind-the-scene influence of the military under various civilian governments, what we are seeing post-*dharna* is a new kind of co-habitation between civil and the military with military quite obviously becoming the de-facto senior partner.

According to many observers, civil-military relations in Pakistan were renewed in a positive trajectory following the **Peshawar Tragedy** on December 16, 2014 that saw the formation of the National Action Plan (NAP).<sup>8</sup> The incident saw increased coordination, with the PML-N Government fully backing the Military leadership's demands for the formation of Military Courts, and seeing through the 21st Constitutional Amendment in the Parliament in January 2015, and agreeing to lifting the moratorium on the death penalty. The optics contributed to the perception as well with Press Releases from the Prime Minister's Office stating that the civil-military leadership was on the same page, and even the Army leadership commending the political consensus forged in the formation of Military Courts.

However, this new model of cohabitation saw not only significant increase of the military's overreach in matters of security policy formulation (such as formation of the Provincial Apex Committees), but also the growing international profile of the COAS. According to many observers, this growing role of the military also came at the heels of abdication and capitulation by the elected civilian Government in areas where it should have been more assertive.

These primarily included the perception that the repatriation of the displaced people due to Operation Zarb-e-Azb had become major areas of focus for the military with the Federal Government only concentrating its efforts on fund-raising related to it.<sup>9</sup> Additionally, according to a Press Release issued by the ISPR, on November 09, 2014, Gen. Sharif while

6. For details, please see PM urges officers to hold oath at all costs, Dawn, April 20, 2014, as accessed on April 28, 2015 at: <http://www.dawn.com/news/1101120/pm-urges-officers-to-uphold-oath-at-all-costs>

7. Mr. Hamid Mir blamed the 'ISI within the ISI' for the attack in his first interview after the attack. In his written statement, he said the ISI officials were apparently unhappy about his famous talk show, Capital Talk, being broadcast on Mama Qadeer's Long March over missing Baloch persons. For details, please see, Hamid Mir blames ISI within ISI for attack, Dawn, April 26, 2014, as accessed on April 28, 2015 at: <http://www.dawn.com/news/1102478/hamid-mir-blames-isi-within-isi-for-attack>

8. For example, in the numerous Press Releases issued by the Prime Minister's Office since December 2014, the civil-military leadership being on the same page has been continuously emphasized. One of the Press Releases in this regard, issued by the Prime Minister's Office, can be accessed at: [http://pmo.gov.pk/press\\_release\\_details.php?pr\\_id=1131](http://pmo.gov.pk/press_release_details.php?pr_id=1131)

9. For details, please see the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, March 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Mar012015\\_Mar312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Mar012015_Mar312015.pdf)

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inaugurating a section of the Central Trade Corridor in South Waziristan stated that the Pakistan Army had undertaken '178 projects so far in social sector, communication infrastructure and power sector in FATA and 19 Malakand areas'.<sup>10</sup>

In a welcome development, Prime Minister Nawaz Sharif visited the war-torn North Waziristan Agency on October 9, 2014 for the first time since his election. During it, he also travelled to the Agency's headquarters, Miranshah to boost the morale of the security forces fighting against terrorists.

On the occasion, Prime Minister Nawaz Sharif said that the Government would soon launch a phase of rehabilitation in areas of North Waziristan Agency affected by Operation Zarb-e-Azb in collaboration with the Army. PILDAT believes that the civilian leadership must learn from the aftermath of the Swat Operation in 2009 (also known as Operation Rah-e-Rast) where civilian administration failed to take control and provide effective civil services in the area after it was cleared by the Army following the Operation. Almost all the rehabilitation work in Swat was carried out by the Armed Forces that included training the local police, rebuilding schools and even setting up local medical camps. So much so, with 50,000 soldiers in Swat in 2010, the military presence in the area was larger post-Operation than during it.<sup>11</sup>

Although Gen. Raheel Sharif announced that the Army will be recruiting soldiers from FATA and admitting the local children into the Army-run schools and training institutes, the civilian Government must realize that it is their job to rehabilitate the region's socio-economic landscape. Prime Minister Nawaz Sharif, should ensure that the rehabilitation of the war-torn North Waziristan Agency, with its almost 69,021 displaced families be led by the civilian administration along the lines of the Comprehensive Response Plan (CRP) outlined in the National Internal Security Policy of Pakistan, 2014 -2018. Additionally, as PILDAT has already stated in its Monitor on Civil-Military Relations in Pakistan for March 2015, the Federal Government would do well to strengthen the role of the FATA Secretariat, FATA Disaster Management Authority and the FATA Development Authority in reviving the socio-economic landscape of the Tribal Areas.<sup>12</sup>

Perhaps the most significant development with regards to worsening civil-military relations in Pakistan was the launch of the **Karachi Operation in Sindh in November 2013**, which saw increased momentum following the raid on the Muttahida Quami Movement's (MQM) headquarters, Nine-Zero on March 11, 2015.

While extending its full support to it, PILDAT believes that the anatomy of the Karachi Operation tells a telling tale about civil-military relations at play in the city; more specifically, about the prominence and primacy of the Pakistan Rangers (Sindh), and the apparent inability of the Sindh Police to deal with the crisis on its own. This denotes a clear imbalance between the civil and military Law Enforcement Agencies (LEAs) operating in Karachi, sadly resulting from the passive approach that successive Provincial Governments have adopted in increasing the effectiveness of the Police force by making its operations independent of political considerations. PILDAT believes that this ostensible incompetence, and the resultant reliance on Pakistan Rangers (Sindh) does not augur well for civilian capacity to maintain law and order, once achieved, and an undue burden on Military and paramilitary forces of Pakistan.

Additionally, the unfolding trajectory of the Karachi Operation has also seen the military and political leadership in Sindh apparently at odds with each other. For many observers, the PPP and the MQM have borne the brunt of the crackdown. The result has been a series of public statements issued by Mr. Asif Ali Zardari, Mr. Altaf Hussain, Director General Pakistan Rangers (Sindh) Maj. Gen. Bilal Akbar, and the Corp V Commander, Lt. Gen. Naveed Mukhtar showing that the official channels of civil-military communications, such as the Apex Committee, have perhaps been exhausted in Sindh.

Apart from the raids by Pakistan Rangers (Sindh) on the MQM headquarter but also the offices of the Sindh Building Control Authority (SBCA) and the Lines Area Development Project (LADP), an allegation has also been emanated by Maj. Gen. Bilal Akbar to the effect that various sections of Sindh's civilian administration are complicit in the Rs. 230 billion being collected illegally in Karachi to support the terror-nexus. The paramilitary force has therefore attained a crucial position in the Karachi crackdown, with the Chief Minister of Sindh, Syed Qaim Ali Shah, MPA criticising it for

10. For details, please see the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, November 2014, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Nov012014\\_Nov302014.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Nov012014_Nov302014.pdf)

11. For details, please see the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, October 2014, which can be accessed at: [http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Oct012014\\_Oct312014.pdf](http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Oct012014_Oct312014.pdf)

12. For details, please see the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, March 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Mar012015\\_Mar312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Mar012015_Mar312015.pdf)

*'acting beyond its authorities and mandate'* on the occasion of the SBCA raid.<sup>13</sup>

PIL DAT believes that the Karachi Operation has apparently lent credence to the perception of persistence of a criminal-political nexus in Pakistan. Various institutions critical to the maintenance of a constitutional civil-military equation such as the Parliament and the political parties are seen to be mere extensions of the central political leaders. State institutions responsible for accountability and law and order, which are the National Accountability Bureau and the Police Service respectively, have also been compromised because of political considerations. Not only various sections of the media, but of the electorate as well are now increasingly seen as pinning hopes on the Army Chief and the military to battle crime. The emerging trend is therefore of the COAS being presented as the 'saviour' with the elected Governments almost marginalized.

These demands for the Military to clean up the corrupt political elements are not new in the country's history. As has been seen in past, various civilian Governments have been removed in order to rid the system of this alleged criminal-political nexus. However, eventually the military regimes are also seen to have become part of the same problem. The solution resides in strengthening the various institutions of a strong democratic system, such as the Parliament, Political Parties, NAB, etc. so that instead of the Military sitting in judgment of the elected Government, the state institutions initiate a culture of robust accountability. Despite the fact the political leadership has personally suffered at the hands of former military rulers, the resulting bitterness should not be allowed to affect their attitude towards security institutions; both should be able to put that unpleasant history behind them and move ahead.

13. For details, please see the PIL DAT publication titled Monitor on Civil-Military Relations in Pakistan, June 2015.

**Major Developments Affecting Civil-Military Relations in Pakistan: June 01, 2013-May 31, 2015**

The General Election of 2013, from the perspective of civil-military relations in Pakistan, marked a watershed, as the first ever-civilian transfer of power was witnessed in the history of the country under a civilian set-up. The election saw the PML-N come into power with Mr. Muhammad Nawaz Sharif, MNA, sworn in as the third-time Prime Minister of Pakistan on June 05 2013. This section aims to analyze major developments affecting civil-military relations in Pakistan during the first two years (June 01, 2013-May 31, 2015) of the current Government.

**Gen. (Retd.) Pervez Musharraf's Indictment and the Subsequent Lack of Progress**

The decision taken by the Federal Government to pursue a Treason Trial against Gen. (Retd.) Pervez Musharraf for his imposition of Emergency violating the constitution in November 2007, and the latter's indictment on May 31, 2014,<sup>14</sup> can be termed as watershed developments for civil-military relations in Pakistan. The institution of the case and indictment of a Military dictator not only constitute the effort to establish the rule of law, vis-à-vis Constitutional supremacy, but are also considered cathartic for Pakistan's democracy. Sensitivity, however, was needed in handling the matter so that the case against an unconstitutional act of an individual or a small group around him should not be allowed to become a campaign against any institution.

Prime Minister Nawaz Sharif's policy announcement at the floor of the House to proceed with a High Treason case<sup>15</sup> was commendable on two counts – one that a decision to proceed against violation of rule of law and the Constitution had been taken by a new Government that had just come into power, showing its intention to restore the civil-military equation that had been completely distorted during the former President's tenure – and two, that the Prime Minister decided to

make this statement on the floor of the House which is the right forum for announcing all policy decisions.

Given Pakistan's turbulent political and democratic history and multiple violations of the rule of law, by both Military and civil elements, the State and Society of Pakistan required a closure of the so-called emergency and de-facto Martial Law imposed by General Musharraf on November 3, 2007 in order to move forward. However, it was also important that the case be handled as impartially as possible, as should any legal matter be, and without ridicule of any State institution. On the flip side, even though many quarters believed that the decision to conduct the Treason Trial was an encouraging sign of Pakistan's democracy, debilitated by years of Military rule, others lamented that maybe the newly elected premier was settling personal vendettas instead of focusing on the immediate needs of the nation.

As subsequent developments have shown, the trial became a significant irritant for civil-military relations in Pakistan. The former President's dash to the Armed Forces Institute of Cardiology (AFIC) on January 02, 2014 (ostensibly due to critical health concerns) and his long sojourn there, gave the impression as if the Military leadership was sheltering him from facing legal proceedings. The Federal Minister for States and Frontier Regions, Lt. Gen. Abdul Qadir Baloch, MNA, also asked the Army Chief to move the former dictator out the Military hospital as his prolonged stay over there was damaging the reputation of the Military'.<sup>16</sup>

Regrettably some irresponsible statements of the Government Ministers regarding the trial strengthened the perception for some observers that the Federal Government was conducting the trial to only settle personal scores.<sup>17</sup> The Federal Minister for Interior, Chaudhary Nisar Ali Khan, MNA, in his remarks of April 13, 2015, acknowledged the presence of 'an irritant' in civil-military relations but was confident that these would be overcome.

14. For details, please see Musharraf indicted for treason; pleads not guilty to all charges, Dawn, May 31, 2014, as accessed on June 08, 2015 at: <http://www.dawn.com/news/1096826>

15. For details, please see the heading Treason case against Gen. (Retd.) Pervez Musharraf on pg. 03 of PILDAT's Monitor on Civil-Military Relations in Pakistan, April 2013-July 2013, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_April152013-July312013.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_April152013-July312013.pdf)

16. For details, please see the heading Indictment of Gen. (Retd.) Pervez Musharraf, on page 03, of the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, March 01, 2014-March 31, 2014, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_March012014\\_March312014.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_March012014_March312014.pdf)

17. For example, during April 2014, the Federal Minister for Defence, Khawaja Muhammad Asif, MNA ridiculed Gen. (Retd.) Pervez Musharraf by saying that the latter puffed up his chest because he used to be wearing a life jacket. The Federal Minister for Railways, Khawaja Saad Rafique, MNA also said that the former ruler committed the 'mother of crimes' by abrogating the Constitution time and again. During the period, a speech made by the Federal Minister for Defence, Khawaja Muhammad Asif, MNA also went viral on the internet and on TV channels in which he directed scathing criticism at the Military and alluded to their failures in all the wars. For details, please see the heading titled Mercury rising in Civil-Military relations, on page 02 of the PILDAT publication Monitor on Civil-Military Relations in Pakistan, April 01, 2014-April 30, 2014, which can be accessed at: [http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_April012014\\_April302014.pdf](http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_April012014_April302014.pdf)  
An opinion piece titled Towards a New Strategy authored by Dr. Hasan-Askari Rizvi for the Express Tribune on July 14, 2014 pointed to the same perception growing amongst the rank and file of the Military. The piece can be accessed at: <http://tribune.com.pk/story/813618/towards-a-new-strategy>

For many observers, the sit-ins by the PTI and the PAT in August 2014, which led to significant doubts about the continuity of the current Government, were also encouraged by the Military-led intelligence to reduce the elected Government's preponderance and sway vis-à-vis the Treason Trial.

By now the trial seems to have been placed on the proverbial back burner. Progress has been delayed following the Special Court's order to indict former Prime Minister Shaukat Aziz, former Chief Justice Abdul Hameed Dogar and former Federal Minister, Mr. Zahid Hamid, as Gen. (Retd.) Musharraf's co-accused in the trial.<sup>18</sup> The Islamabad High Court resultantly issued a stay-order based on three identical petitions filed by former Prime Minister, Mr. Shaukat Aziz, Supreme Court's former Chief Justice, Justice (Retd.) Abdul Hameed Dogar and former Federal Minister for Science and Technology, Mr. Zahid Hamid for regular hearing against the Special Court's order to indict them on November 21, 2014. Since then, the Special Court has been convened six times, but could not proceed further due to Islamabad High Court's Order.<sup>19</sup> The Government, which has always maintained the stance that Gen. (Retd.) Pervez Musharraf was the sole accused in the imposition of Emergency in November 2007, has decided to investigate the role of the three alleged co-accused.<sup>20</sup>

The matter till now has been held up not only because of the judicial proceedings, but also because of the flagrant disregard shown by Gen. (Retd.) Pervez Musharraf for Court proceedings. He has missed multiple appearances in front of the Special Court. In fact, this habit of not appearing before a court of law due to 'medical reasons', even though he has not shied away from frequent media appearances, has been perpetuated in other criminal proceedings he is facing as well. The Military, it appeared, sheltered Gen. (Retd.) Musharraf during his long sojourn at the AFIC. It is also a well-known fact that the Treason Trial was a major irritant for civil-military relations. However, one hopes that the recent improvement of civil-military ties has not come at the cost of placing the trial on the backburner, and compromising the rule of law.

#### Appointments of the COAS and the CJCS

The first two years of the current Government saw the appointment of a new leadership of the Pakistan Army, following the appointment of Lt. Gen. Raheel Sharif

(who was the third in seniority in Pakistan Army's ranks at that time) as the Chief of Army Staff, and Lt. Gen. Rashad Mehmood (who was the second in seniority in Pakistan Army's ranks at that time) as the Chairman of the Joint Chiefs of Staff Committee in November 2013. In the process of General Sharif's appointment as Army Chief, the most senior three-star General, Lt. Gen. Haroon Aslam stood superseded, and in accordance with military traditions, retired from the Army.

#### Attack on Mr. Hamid Mir

The regrettable assassination attempt on Mr Hamid Mir, senior journalist of Geo Television, on April 19, 2014 was a significant development that continued to cast a long shadow on civil-military relations in Pakistan. Geo Television, using the sound bites of Hamid Mir's brother, launched a 24-hour long ferocious and unprecedented campaign against the Inter-Services Intelligence (ISI) and its Director General, Lt. Gen. Zaheer ul Islam, blaming him personally and the ISI as an institution for the attempt on the life of Hamid Mir.

Although the ISI reports to the Prime Minister and technically works under Prime Minister's office, Prime Minister's office maintained a deafening silence while the media house, through its popular TV channel and several newspapers, went on an irresponsible rampage against the ISI and its head. The Pakistan Electronic Media Regulatory Authority (PEMRA) simply took no notice of this vicious campaign. Once a public backlash began to appear, the public relations wing of the Armed Forces, ISPR, also tried to rebut the accusations. For many observers, the COAS's first public statement, issued 7-months after his appointment, and asserting that the prestige of the Military as an institution would never be compromised was a rejoinder to the criticism the Military was facing from various quarters including some sitting ministers at that point in time.

In a stark contrast to his and his Government's inaction in the case of defending the ISI or its chief, Prime Minister, Nawaz Sharif, showed extra-ordinary swiftness to convene a high level meeting on a Sunday (April 20) and announced the constitution of a very high level judicial commission to probe into the assassination attempt, consisting of three Supreme Court judges (The Hamood ur Rehman Judicial Commission formed to probe the dismemberment of Pakistan in 1971 had two judges of the Supreme Court

18. For details, please see Deadline to challenge special court orders expires, Dawn, February 22, 2015, as accessed on May 01, 2015 at: <http://www.dawn.com/news/1165168/deadline-to-challenge-special-court-order-expires>

19. For details, please see Govt. ready to expand Treason case to investigate three 'abettors', Dawn, June 04, 2015, as accessed on June 24, 2015 at: <http://www.dawn.com/news/1186028>

20. For details, please see Musharraf treason case: Government willing to investigate abettors, The Express Tribune, May 20, 2015, can be accessed at: <http://tribune.com.pk/story/889179/musharraf-treason-case-government-willing-to-investigate-abettors>

along with a High Court judge). The Prime Minister also undertook an extraordinary step of visiting convalescing Mr. Hamid Mir in a Karachi Hospital the next day (21 April) along with his Minister of Defence and Minister for Information. The Information Minister, speaking to media on the occasion, said that Prime Minister's visit to Hamid Mir was a show of solidarity with the reason (*Daleel*) and Intellect (*Danish*) opposed to the sling (*Ghulail*) – a message that was open to diverse and somewhat dangerous interpretations in the charged atmosphere.<sup>21</sup>

While Nawaz Sharif and his associates praised and visited Mr. Hamid Mir, the COAS visited the ISI headquarters on April 22 and praised the sacrifices and role of the ISI. It was only after 7 days that Prime Minister, in a meeting with the COAS and the ISI Chief, praised the ISI. The Minister of Interior finally condemned the Geo onslaught on the ISI and its chief on 22 April, 72 hours after the campaign against the ISI had been unleashed and after the COAS paid a visit to the ISI headquarters.

Another Federal Minister, while answering a question in a TV programme, said that the PM did not visit the ISI because he did not want to appear siding with a party in the case of shooting at Mr. Hamid Mir.

Mr. Hamid Mir, in the meantime, blamed the '*ISI within ISI*' for the attack in his first interview after the attack. In his written statement he said that the ISI officials were apparently unhappy about his famous talk show, Capital Talk, being broadcast on Mama Qadeer's long march over missing Baloch persons. Mir claimed that the intelligence agency was also unhappy about his criticism aimed at the ISI during various episodes of his talk show.

#### Sit-ins by the PTI and the PAT: Dissonance in Civil-Military Relations

Although ostensibly a political development, the sit-ins by the PTI and the PAT in Islamabad that began in August 2014 were the watershed for civil-military relations during the first two years of the current Government. For many observers, the protests significantly weakened the position of the elected

Government, resulting in the balance being shifted in favour of the Military, especially with regards to security and foreign policy formulations since then. Although there was no concrete evidence to suggest that the Military or its intelligence apparatus were involved in planning or aiding the marches in anyway, the accusations rang so loud<sup>22</sup> that the Military, through the Inter-Services Public Relations (ISPR), had to formally deny any association with the two parties and the ongoing protests.

Regardless, with the imposition of Article 245 on July 25, 2014, requisitioning the Pakistan Army in the Islamabad Capital Territory (ICT), the Military leadership had become a stakeholder in the crisis that was essentially political in nature. In fact, the statements emanating from the ISPR, urging '*all stakeholders to resolve prevailing impasse through meaningful dialogue in larger national and public interest*',<sup>23</sup> showed as if the Military leadership was treating both the protestors and the Government at par, and sitting in judgment about their conduct.

As PILDAT had noted in its Monitor on Civil-Military Relations in Pakistan for September 2014,<sup>24</sup> Pakistan's Military is an organ of the State of Pakistan and subservient to the rule of law as defined by the Constitution of Pakistan. The Constitution defines that the State "shall exercise its powers and authority through the chosen representatives of the people," in other words, democratically-elected Governments. Hence the principle of democratic control of defence is exercised by all developed democracies of the World. Military should not, therefore, assume the role of a neutral referee, as it did in this case, when it is to follow the rule of law as defined by the Constitution.

Perhaps, it was because of this apparently equidistant position that Gen. Raheel Sharif was asked to mediate in the crisis, although at whose behest, was a matter of much controversy. Prime Minister Nawaz Sharif, during the Joint Session of the Parliament, had stated that the PTI and PAT chiefs had made the request, with Dr. Tahir-ul-Qadri and Mr. Imran Khan claiming the opposite.<sup>25</sup> The situation became particularly embarrassing for the Government as a Press Release

21. For details, please see the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, April 2014, which can be accessed at: [http://www.pildat.org/publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan\\_April012014\\_April302014.pdf](http://www.pildat.org/publications/publication/CMR/MonitoronCivil-MilitaryRelationsinPakistan_April012014_April302014.pdf)
22. Perhaps the most significant accusation in this regard was when Mr. Javed Hashmi left the PTI at the height of the protests, citing that the protestors were following a '*scripted plan*', hinting at a covert form of a Military takeover. For details, please see Collusion claim: Hashmi sees current tussle as a scripted affair, the Express Tribune, September 02, 2014, as accessed on May 10, 2015 at: <http://tribune.com.pk/story/756812/collusion-claim-hashmi-sees-current-tussle-as-a-scripted-affair>
23. For details, please see the Press Release issued by the ISPR on August 19, 2014, as accessed on May 10, 2015 at: [https://www.ispr.gov.pk/front/main.asp?o=t-press\\_release&id=2634](https://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=2634)
24. The publication can be accessed at: [http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Sep012014\\_Sep302014.pdf](http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Sep012014_Sep302014.pdf)

issued by the ISPR on August 29, 2014 stated that the COAS 'was asked by the Government to play the facilitative role'.<sup>26</sup> As a result multiple petitions were filed in the Supreme Court seeking the Prime Minister's dismissal for allegedly lying on the floor of the Parliament, which were eventually dismissed. However, the Government's request to the COAS, Gen. Raheel Sharif's consent, and the PAT and the PTI leadership's agreement to the mediation were all regrettable, showing not only the Military's involvement in matters beyond its professional remit, but also the inability of the political class to resolve matters amongst themselves.

The sit-ins and the way these paralyzed the business of the state in its capital for 8 months and more importantly the way this extra-ordinary agitation and its extensive media coverage humiliated top state functionaries and institutions, has led to a visible humbling of the democratically elected political leadership and an equally visible ascendancy of military influence in major policy formulation and even day-to-day decision making. A new arrangement seems to have evolved after the elected political leadership was made to realize of its vulnerability to power play. Subservience of the political leadership to military and looking up to them for important decisions whether in the domestic or international arena has not escaped the attention of foreign powers who now pay much greater attention to the military leadership in their dealings with Pakistan than they ever did under a civilian rule. After open and declared military rule four times in the past and varying degree of behind the scene influence of the military under various civilian governments, what we are seeing post-dharna is a new kind of co-habitation between civil and the military with military quite obviously becoming the de-facto senior partner. Political leadership has its own weaknesses, flaws and incompetence and military has its obvious advantages. Will the current arrangement lead to stabilization of democracy and a better quality of democracy in the long run? This is a question that remains to be answered but in the short-term, democracy has certainly suffered a significant setback.

#### Appointment of the Director General of the Inter Services Intelligence Agency

The Inter-Services Intelligence (ISI) saw a change in leadership during the period under consideration with Maj. Gen. Rizwan Akhtar (formerly DG Pakistan

Rangers (Sindh)) promoted as Lieutenant General and appointed as ISI's Director General in September 22, 2014. He took charge as the Agency's Director General on November 22, 2014.<sup>27</sup>

The appointment of the new DG ISI was significant at a time when the outfit was accused of involvement in the political crisis of the twin sit-ins seeking to overthrow the incumbent PML-N government. The ISI chief, Lt. Gen. Zaheer-ul-Islam, was named by a few to be pushing for the Premier's ouster as Government sources claimed they had evidence of the ISI "backing Imran to get rid of Nawaz."<sup>28</sup> At the height of the political crisis, especially after Mr. Javed Hashmi accused Mr. Khan of following a "scripted plan," there were calls made in the media urging the Prime Minister to appoint a new ISI Chief before the expiry of his term. It is worth mentioning that Lt. Gen. Zaheer-ul-Islam's predecessor Lt. Gen. (Retd.) Ahmad Shuja Pasha, had received a one-year extension in his post as DG of ISI.

#### Increasing International Profile of the COAS

In the backdrop of speculations and news that Prime Minister agreed to "share space"<sup>29</sup> with the Army in return for not being asked to step down in the face of political crisis personified in the shape of sit-ins, Army Chief Gen. Raheel Sharif's increased international profile, appears to be part of the same script.

Regardless of any pacts, the enlarging footprint of the COAS in international spheres is indicative of the imbalance observed in civil-military relations during this period.

Although engagements of the Army Chief with international counterparts is not a new phenomenon, it was his interactions with international civilian leadership, and their nature, that depicts a rather extraordinary development in the civil-military equation vis-à-vis Pakistan's foreign policy and the protocols that should be followed. The foreign visits made by Gen. Raheel Sharif along with the consultations he held on the political front are given in Table 1.

For the first two years of the current Government, another trend of the GHQ being a 'must-visit' for visiting civilian Foreign Dignitaries was also observed. A list of the visiting civilian officials who called upon Gen. Raheel Sharif at the GHQ is included in Table 2.

26. The Press Release can be accessed at: [https://www.ispr.gov.pk/front/main.asp?o=t-press\\_release&id=2634](https://www.ispr.gov.pk/front/main.asp?o=t-press_release&id=2634)

27. For details, please see Lt. Gen. Rizwan Akhtar to take reigns of the ISI today, the Express Tribune, November 08, 2014, as accessed on June 08, 2015 at: <http://tribune.com.pk/story/787606/lt-gen-rizwan-akhtar-to-take-reins-of-isi-today>

28. For details, please see Pakistan Army Chief Holds Off Generals Seeking PM's Ouster, Reuters, September 05, 2014 at Voice of America: <http://www.voanews.com/content/reu-pakistan-army-debate-prime-minister-nawaz-sharif-ouster-protests/2439957.html>

29. Ibid.

## Major Developments affecting Civil-Military Relations in Pakistan

June 01, 2013 - May 31, 2015

Table 1: Foreign Visits made the COAS, Gen. Raheel Sharif: November 2014 – May 2015

| No. | Country Visited           | Dates of the Visit            | Meetings with Civilian Dignitaries                                                                                                                                                                                                                                                                           | Presence of Related Civilian Office-Bearers (Premier, Advisor on Foreign Affairs, Defence Minister, etc.)                                                                                     |
|-----|---------------------------|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Afghanistan               | November 06, 2014             | The COAS met with:<br>i. Afghan President, Dr Ashraf Ghani<br>ii. Afghan Chief Executive Officer, Mr Abdullah Abdullah<br>iii. Afghan National Security Advisor, Mr Hanif Atmar<br>iv. Afghan Defence Minister, Gen. Bismillah Muhammadi                                                                     | No relevant Civilian Office Bearer Present                                                                                                                                                    |
| 2.  | United States of America  | November 16-December 01, 2014 | The COAS met with:<br>i. Chairman Senate Foreign Relations Committee, Senator Robert Menendez<br>ii. Chairman Senate Select Committee on Defence, Senator Dianne Feinstein<br>iii. Senator John McCain<br>iv. American National Security Advisor, Ms Susan Rice<br>v. U.S. Secretary of State, Mr John Kerry | No relevant Civilian Office Bearer Present<br><br><i>The COAS was accompanied by Pakistan's Ambassador to the United States, Mr Jalil Abbas Jilani, for his meetings on the Capitol Hill.</i> |
| 3.  | Afghanistan               | December 17, 2014             | The COAS met with the Afghan President, Dr Ashraf Ghani                                                                                                                                                                                                                                                      | No relevant Civilian Office Bearer Present                                                                                                                                                    |
| 4.  | United Kingdom            | January 14-17, 2014           | The COAS met with:<br>i. UK's Secretary of Defence, Mr Michael Fallon<br>ii. Prime Minister David Cameron                                                                                                                                                                                                    | No relevant Civilian Office Bearer Present                                                                                                                                                    |
| 5.  | Peoples Republic of China | January 24-25, 2015           | The COAS met with:<br>i. The Chinese Foreign Minister, Mr Wang Yi<br>ii. Chairman of the National Committee of the Chinese People's Political Consultative Conference<br>iii. Secretary, Communist Party of China                                                                                            | No relevant Civilian Office Bearer Present                                                                                                                                                    |
| 6.  | Afghanistan               | February 17, 2015             | The COAS met with:<br>i. Afghan President, Dr Ashraf Ghani<br>ii. Afghan Chief Executive Officer, Mr Abdullah Abdullah                                                                                                                                                                                       | No relevant Civilian Office Bearer Present                                                                                                                                                    |

**Major Developments affecting Civil-Military Relations in Pakistan**

June 01, 2013 - May 31, 2015

Although the COAS' visits were shown to be successes, and almost everywhere he was given the reception almost equivalent to that of a head of government, the objectives of the trips were not made clear at the outset.

There was also a trend of separate meetings with visiting foreign dignitaries by the civil and military leadership, such as during the visit of the Foreign Minister of Iran, Mr. Jawad Zareef in April 2015,<sup>30</sup> and of the Afghan President in November 2014. To add to the imbalance, the interaction of the visiting dignitaries took place at the GHQ, perhaps signifying the military leadership's preponderance in Pakistan's foreign policy.

Albeit briefly, during the tenure of the previous Government, the Government of Pakistan had begun to hold joint meetings of civil and military leadership with visiting dignitaries, a trend that has once again been reversed.

These developments lead to some critical questions in the context of civil-military relations:

1. Did the Prime Minister's Office, the Federal Ministry of Defence, and the Foreign Office know about these meetings in advance?
2. If so, did they attempt to ensure prior civil-military consultations, along with ensuring civilian presence in the meeting?
3. Why is the civilian leadership, like the equivalent of Foreign Minister, is also not equally active in advancing the foreign policy of the State?
4. Is the growing international role of the COAS a manifestation of the passiveness and abject abdication of the civilian leadership, or does it reflect the growing dominance of the Military leadership in Pakistan's foreign policy?
5. Why cannot the civilian leadership initiate a culture of holding Joint Meetings with Foreign Dignitaries?

**Operation Zarb-e-Azb and its Aftermath: Civilian Government Missing on Action**

It took the civilian Government one year in office, and four and a half months of 'dialogue' with the militants to finally initiate a full-scale operation in North Waziristan against terrorists such as the Tehreek-e-

**Table 2: Civilian Foreign Dignitaries who called on the COAS at the GHQ: November 2014-May 2015**

| No. | Visiting Official                                                                                                                                                | Date              | Presence of Related Civilian Office-Bearers                                                                                                                                                                                                  |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Afghan President Dr. Ashraf Ghani accompanied by Afghan Defence Minister, Gen. Bismillah Muhammadi, and Afghan Chief of General Staff, Gen. Sher Muhammad Karimi | November 14, 2014 | Along with the Prime Minister's Advisor on National Security and Foreign Affairs, Mr Sartaj Aziz, the meeting was also attended by the Foreign Secretary, Mr Aizaz Ahmad Chaudhary, and the Defence Secretary, Lt. Gen. (Retd.) Alam Khattak |
| 2.  | Foreign Minister of Norway, Mr. Borge Brende                                                                                                                     | February 09, 2015 | No relevant Civilian Office Bearer Present                                                                                                                                                                                                   |
| 3.  | Foreign Minister of China, Mr. Wang Yi                                                                                                                           | February 13, 2015 | No relevant Civilian Office Bearer Present                                                                                                                                                                                                   |
| 4.  | A US Congressional delegation, led by Senator Jack Reed                                                                                                          | February 18, 2015 | No relevant Civilian Office Bearer Present                                                                                                                                                                                                   |
| 5.  | Foreign Minister of Iran, Mr Jawad Zareef                                                                                                                        | April 09, 2015    | No relevant Civilian Office Bearer Present                                                                                                                                                                                                   |
| 6.  | Australian Foreign Minister, Ms Julie Bishop                                                                                                                     | May 07, 2015      | No relevant Civilian Office Bearer Present                                                                                                                                                                                                   |

30. For details, please see the heading Mr. Jawad Zareef's visit to the GHQ on pg. 04 of PILDAT's Monitor on Civil-Military Relations in Pakistan for the month of April 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Apr012015\\_Apr302015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Apr012015_Apr302015.pdf)

Taliban Pakistan (TTP), its various affiliate organizations, and other terrorist outfits thriving in the Tribal Areas in June 2014.

However, questions loomed large about why an operation to establish Government's writ had not been conducted earlier. Why had the successive Governments (that under Gen. (Retd.) Pervez Musharraf and later under Mr. Asif Ali Zardari) decided not to act against the terrorists as they continued to fortify their position? That the former Army Chief, Gen. (Retd.) Kayani insisted that the decision to launch an operation was solely his, and that the former DG ISPR also claimed that the operation was not conducted by Gen. (Retd.) Kayani due to a feared blowback from the militants, points out among other things, the complete abdication of decision-making on security matters by the civilian elected Governments.<sup>31</sup>

In 2013, the Pakistan Army reportedly made a significant shift in its defence doctrine by stating that the biggest threat to the country was internal rather than external. While no official document was made public regarding this, it appeared that the paradigm shift had apparently come about without the policy input of the democratically elected public representatives.<sup>32</sup>

Although Operation Zarb-e-Azb has been hailed as a 'game-changer' with regards to the persistent problem of militancy and the security dynamics of Pakistan, concerns remain about the civilian Government's abdication of responsibilities following the operation. These include:

1. Taking care of the large number of Internally Displaced Persons (IDPs) or Temporarily Displaced Persons (TDPs)
2. Organizing IDPs safe return and rehabilitation after the operation establishes the writ of the State
3. Developing a civil set-up to effectively govern the area after the Military has done its part.

Even though the Prime Minister during his visit to the North Waziristan in October 2014 stated that the Government would soon launch a phase of rehabilitation in the affected areas,<sup>33</sup> it has emerged that

mainly the Pakistan Army is doing the development work to rehabilitate the region's socio-economic landscape, as affirmed by the COAS' announcement in November 2014 of the Armed Forces undertaking 178 development projects in North Waziristan, including a 705 KM long Central Trade Corridor.<sup>34</sup> Although the civilian Government's role in raising funds for the rehabilitation of the IDPs, at various international forums, should be lauded, it must also realize its job to rehabilitate the region's socio-economic landscape along the lines of the Comprehensive Response Plan (CRP) outlined in the National Internal Security Policy.

Additionally, although the Pakistan Army's role on reconstruction and rehabilitating the war-affected areas (including South Waziristan and Swat) is much appreciated, the elected Government would also do well to involve the FATA Secretariat in the effort, and also activate the FATA Disaster Management Authority, and the FATA Development Authority. The elected Government's lack of involvement in reviving the socio-economic landscape of Swat and South Waziristan should not be repeated.

Retrospectively, as almost one year has passed since the launch of the Operation, certain glaring questions remain in relation to the achieved results, and the role of the civil-military leadership in it.

1. The Prime Minister on March 22, 2015 had stated that *'the blowback from Operation Zarb-e-Azb is not as much as we expected'*.<sup>35</sup> However, for many observers, this is a question that remains debateable. On the basis of numbers, according to the South Asia Portal on Terrorism, a total of 3,943 people lost their lives (including security personnel and civilians) for the first year of the current Government, in comparison to the 5,598 people during the second year. Even besides the number of fatalities, which have seen an increase of 42%, the atrocity of the attacks has increased as well considering the Peshawar Tragedy of December 16, 2014. Considering both the factors, is the claim that the blowback from Operation Zarb-e-Azb was not as much as expected, remains largely debateable.

31. For details, please see the heading Operation Zarb-e-Azb, on pg. 02 of PILDAT's Monitor on Civil-Military Relations in Pakistan, June-July 2014, which can be accessed at: [http://www.pildat.org/Publications/Publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_June012014\\_July312014.pdf](http://www.pildat.org/Publications/Publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_June012014_July312014.pdf)

32. For details, please see PILDAT's Monitor on Civil-Military Relations in Pakistan, for October 2012-March 2013, which can be accessed at: [http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Oct2012-Mar2013.pdf](http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Oct2012-Mar2013.pdf)

33. For details, please see the heading Prime Minister declares Government's resolve to jointly rebuild North Waziristan, on pg. 02 of PILDAT's Monitor on Civil-Military Relations in Pakistan, October 2014, which can be accessed at:

[http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Oct012014\\_Oct312014.pdf](http://www.pildat.org/publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Oct012014_Oct312014.pdf)

34. For details, please see the heading Pakistan Army has undertaken 178 development projects in FATA and Malakand Areas: COAS, on pg. 04 of PILDAT's Monitor on Civil-Military Relations in Pakistan, November 2014, which can be accessed at:

[http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Nov012014\\_Nov302014.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Nov012014_Nov302014.pdf)

35. For details, please see Military briefs security moot on Zarb-e-Azb, the Express Tribune, March 23, 2015, as accessed on June 08, 2015 at: <http://www.dailytimes.com.pk/national/09-Aug-2014/military-briefs-security-conference-on-zarb-e-azb>

2. It is still not patently clear, even a year after the Operation was launched, as to who is monitoring its progress on behalf of the elected Government. Apart from the occasional interactions between the Prime Minister and the COAS on the Operation, one in-camera briefing given to the National Assembly's Standing Committee on Defence during their visit to the Peshawar Corp Headquarters on May 15, 2015, and the briefing received by the Senate's Standing Committee on Defence on January 25, 2015, no significant democratic and Parliamentary oversight has emerged in this regard.
3. Critically, for various media observers, there has been complete blanket over the Operation Zarb-e-Azb as the media personnel have not been allowed to access the area. As an Editorial published in daily Dawn stated:

*Perhaps one of the biggest ongoing concerns about North Waziristan is how little has changed in terms of the media and the public's access to information from the region. Before Zarb-i-Azb, when large swathes of territory were effectively ruled by militants, it was apparent why there was, by and large, a news blackout and only rare access to independent information. Then, as the military leadership pushed the political government to abandon its campaign to try and secure a peace deal with the banned TTP, there was, for a brief while, a window provided in the military mindset and the strategic approach to North Waziristan. Quickly enough, however, that evaporated.<sup>36</sup>*

### 21st Constitutional Amendment and the Formation of Military Courts

The formation of Military Courts, enabled by the Parliament passing the 21st Constitutional Amendment, 2015 (with a sunset clause of two years) and the Pakistan Army (Amendment) Act, 2015 on January 06, 2015, after the Peshawar Tragedy, signified yet another institutional imbalance for Pakistan's civil-military relations at the cost of the nation's civilian justice system.

Almost all the political parties, except for the ruling PML-N, expressed their reservations on the 21st Constitutional Amendment, with the JUI-F and the JI abstaining from voting (along with the PTI) based on the contention that the 21st Constitutional Amendment linked terrorism to religion. This disagreement was

worthy of consideration given that there are so many shades of terrorism prevalent in Pakistan. Therefore, singling out religious terrorism is not only principally wrong, but might also create a dangerous precedent of accepting and rejecting certain kinds of terrorism, a failed policy which the State has been previously following in the garb of the 'Good/Bad Taliban' distinction.<sup>37</sup>

At the heart of the establishment of the Military Courts lies the argument that the country's civilian judiciary has persistently released high profile terrorists, due to an environment of threat and insecurity that has been created by targeting the members of the judiciary and their families. Although persistent criticism of the Judiciary has been made, it is important to note that the dismal conviction rate, especially in terrorism related cases, cannot be improved until the prosecution, investigation and operations branches of the police are reformed and strengthened as well. It is, therefore, relevant to ask whether the Government envisage replacing the civilian investigators, prosecutors, and the police deputed to apprehend the terrorists and their supporters with Military personnel as well?

Considering that the 21st Constitutional Amendment has a sunset clause of two years, the Government needs to evaluate how it envisages improving the civilian justice system in the meanwhile. Till now, no concrete recommendation has been floated in this regard and seven months after the passage of the amendment, no tangible action plan seems to be adopted by the government to revamp the investigation, prosecution and general quality of policing in the country so that the country could dispense with military courts.

Concerns had also been raised regarding the lack of transparency and closed-door proceedings of the Military Courts, especially after the promulgation of the Pakistan Army (Amendment) Ordinance, 2015 signed by the President into law on February 25, 2015. It was perhaps because of this reason that a full member bench of the Supreme Court ordered a stay on April 16, 2015 on the first batch of executions ordered by the Military Courts.<sup>38</sup>

PIL DAT believes that even though extraordinary situations call for extraordinary measures, the establishment of Special Courts, in principle, is indeed a negative development for Pakistan's nascent democracy that blurs the lines between the judiciary

36. For details, please see the Editorial published in Dawn on June 09, 2015, titled Military operation, which can be accessed at:

37. For details, please see PIL DAT's Monitor on Civil-Military Relations in Pakistan for the month of January 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Jan012015\\_Jan312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Jan012015_Jan312015.pdf)

38. For details, please see the heading Updates on Military Courts: First batch of executions and the Stay Order by the Apex Court, on pg. 03 of PIL DAT's Monitor on Civil-Military Relations in Pakistan, April 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Apr012015\\_Apr302015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Apr012015_Apr302015.pdf)

and the executive under the trichotomy of powers enshrined in the Constitution. Furthermore, Special Courts headed by military officers cannot possibly achieve their objectives until the investigation, prosecution and the operation branches are not reformed and protected from terrorists threats. Just replacing a civilian judge who may be more vulnerable to terrorists' threats and blackmailing with a military officer who is willing to bravely face the threats is not enough.

Military Courts serve as the establishment of a parallel system of justice, albeit only for two years. This negates the credibility and effectiveness of the existing civilian judicial system. Although there has been a consistent objection to the country's superior judiciary releasing high-profile terrorists, the blame cannot solely be placed on the superior judiciary. The investigation and prosecution branches of the Government must also be held responsible as the judiciary has observed that no person can be punished without evidence, no matter what the public perception is.

#### Formation of Provincial Apex Committees

The formation of the Provincial Apex Committees, apparently for the better implementation of the National Action Plan (NAP) has manifested itself as a novel form of institutional imbalance in civil-military relations.

For many, not only the Provincial Apex Committees, but also the National Action Plan has signified the increasing overreach by the Military leadership in formulation of security policies.

The NAP was formed in the aftermath of the Peshawar Tragedy of December 16, 2014 to adopt a coordinated and cohesive approach against the rising incidence of terrorism in the country. Even though subsequent Press Releases have been issued by the Prime Minister's Office detailing the actions that have been undertaken under the NAP, it is clear that an institutional mechanism of monitoring is not being adopted. The

National Counter Terrorism Agency (NACTA), which was designated to monitor progress on the NAP, till date remains largely dysfunctional. It has been allocated a budget of Rs. 160 million under the Federal Budget 2015-2016, which according to many observers is barely enough to meet the running costs of the organization, let alone expanding its operations.<sup>39</sup> It must also be noted that due to the non-availability of funds from the Government, the announcement of the Federal Minister of Interior, Chaudhry Nisar Ali Khan, MNA to form a Joint Intelligence Directorate under NACTA where all intelligence agencies of the country would work and share intelligence with one another could not be materialized.

Simply the number of Press Releases issued by the ISPR, such as regarding formation of Military Courts and the Apex Committees, indicates that the media wing of the Military is taking the lead in this sphere. For the Provincial Apex Committees, the salient points to be considered are:

1. Considering the importance that these Committees have attained, evinced by the nomenclature (termed as *Apex*, signifying their primary position in civil-military coordination), it is strange that the Press Release for their formation was issued by the ISPR, rather than by the Prime Minister Office, the Ministry of Interior or the Ministry of Defence or the four Provincial Governments.
2. Based on the ISPR Press Release, it was initially believed that the Committees would serve as consultation-cum-coordination forum for the civil-military leadership. However, as subsequent developments have shown,<sup>40</sup> the Committees have more of a decision-making role. No notification has been issued by the Federal Government or the Provincial Governments formalizing their terms of reference. Granted that a circular or a notification may not always be required for every Committee that is formed, for the sake of institutional clarity and effective implementation of the NAP, the Committees and their relevant details should be

39. For details, please see NAP is a big joke designed to deceive the masses, says Justice Khawaja, Dawn, July 03, 2015, as accessed on July 15, 2015 at: <http://www.dawn.com/news/1192080>

40. The Provincial Home Minister for Balochistan, Mir Sarfaraz Bugti in an interview to a local English daily stated that the '*Apex Committee for Balochistan in its first meeting recommended that the Federal Government green light the execution of 14 cases sentenced for capital punishment by anti-terrorist courts here. The Committee is working on other cases to be tried in the Military Courts*'. For details, please see 'Are we children of a lesser God?', Pakistan Today, January 24, 2015, as accessed on April 28, 2015 at: <http://www.pakistantoday.com.pk/2015/01/24/featured/are-we-children-of-a-lesser-god> Additionally, during the meeting of the Apex Committee of Sindh on February 16, 2015, it was decided to divide the province into three Zonal Committees (Karachi Zone, Hyderabad Zone, and Sukkur Zone) to be headed relevant Military officials and comprising of civil district management, including the relevant police officials. However, no notification has been issued in this regard with Chief Minister Sindh stating on February 28, 2015 that the matter was still under discussion with Pakistan Rangers (Sindh). For details, please see PILDAT's Monitor on Civil-Military Relations in Pakistan for the month of February 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Feb012015\\_Feb282015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Feb012015_Feb282015.pdf)

- formalized through a communication by the Federal Government.
3. As shown by the attendance of the former Prime Minister Mir Zafarullah Khan Jamali in the meeting of the Apex Committee of Balochistan on February 18, 2015 and of Mr. Asif Ali Zardari in the meeting of the Apex Committee of Sindh on February 16, 2015, the participants of the Apex Committees meetings can be varied and changed. Considering the importance of these forums in matters of national security, the Federal Government should, however, formalize their membership through a notification immediately.
  4. The fact that the COAS called for the depoliticization of the Police Service of Sindh on February 16, 2015 even though the Prime Minister was also present in the Apex Committee meeting, underscores the increasing overreach by the Military leadership in matters of security policy formulations. This overreach may also be possible because of a passive posture maintained by both the Provincial and Federal elected Government. The decision taken the same day to establish three Zonal Security Committees in the province to be led by Military officials was yet another marker in this developing trend.

### Anatomy of the Karachi Operation

That Pakistan's Armed Forces had attained a driving seat in establishing law and order in Karachi, a task that should have principally been headed by the civilian LEAs, signified the elected leadership's failure to strengthen civilian institutions and the exceeding reliance on the Armed Forces.<sup>41</sup> Even during the launch of the Operation on September 05, 2013, the Federal Minister of Interior, Chaudhary Nisar Ali Khan, MNA, said the Federal Government had given the Pakistan Rangers (Sindh) the power of prosecution and investigation. The Police Service of Sindh had come under intense criticism during that time as well due to alleged political recruitments in its ranks, with the Prime Minister saying that *'the common man had lost faith in the police force'*. It is important to note that with the promulgation of the Protection of Pakistan Ordinance, 2013, the Pakistan Rangers (Sindh) were granted policing powers in the province in November 2013, which were cemented after the passage of the Protection of Pakistan (Amendment) Act, 2014. This included power to keep suspects in their custody for

three months for investigation after producing them before a relevant court within 24 hours of the arrest. Rangers were also authorised to shoot-to-kill if they face resistance from criminals.<sup>42</sup>

While the civil-military leadership's decision to re-launch the Karachi Operation in February 2015 is laudable, the ostensible incompetence of the civilian LEAs, and the resultant reliance on Pakistan Rangers (Sindh) does not augur well for civilian capacity to maintain law and order, once achieved, and an undue burden on Military and paramilitary forces of Pakistan. Regardless, it is crucial that not only the Operation should reach its logical conclusion, but that it is also conducted on an even keel. The Pakistan Rangers (Sindh) ability to carry out an effective clean up is not in doubt. However, what is required is an effective strategy, which adequately empowers the Police Service of Sindh, to hold on to the progress made after the Operation.

It has been seen on numerous occasions that whenever a wave of violence hits the city, the successive Provincial Governments have made decisions to further empower the Pakistan Rangers (Sindh), rather than affecting any systematic reform in the Police. Nothing could be more illustrative of this than the Operation Clean-up in 1992, Operation Blue Fox from 1994-1996, the spate of violence in July 2011, the operation launched by the PML-N Government in September 2013, etc., which saw Rangers spearheading the crackdown, with the Police assisting.<sup>43</sup>

Experts believe that politically motivated postings and transfers by the Provincial Government have decapitated the Police force. The result has been years of neglect of the law and order situation in Karachi, with the Pakistan Rangers (Sindh) being called in to clean up the mess. The Provincial Government of Sindh must immediately adopt the Police Order of 2002 to depoliticize the institution, ensure professional training of its members, and recruitment based on merit to make it competent enough to discharge its duties without requiring the assistance of the Pakistan Rangers (Sindh).

It is also important to note that the Pakistan Rangers (Sindh) will have to tread a fine line, especially while

41. For details, please see Nisar says Karachi 'operation' to start in two days, Dawn, September 05, 2013, as accessed on June 08, 2015 at: <http://www.dawn.com/news/1040496>

42. For details, please see Notification: Rangers get policing powers in Sindh, the Express Tribune, November 11, 2013, as accessed on June 26, 2015 at: <http://tribune.com.pk/story/630251/notification-rangers-get-policing-powers-in-karachi>

43. For details, please see the heading Anatomy of the Karachi Crackdown: Imbalance in Civil-Military Law Enforcement Agencies, on pg. 03 of PILDAT's Monitor on Civil-Military Relations in Pakistan, March 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Mar012015\\_Mar312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Mar012015_Mar312015.pdf)

conducting operations against the militant wings of various political parties, during the operation. The dynamics of the Operation that have emerged till now clearly show that it is being conducted against the militants and criminals enjoying sometime political patronage of one political party or the other. Therefore, it has become incumbent upon the Pakistan Rangers (Sindh) in this context to exhibit complete impartiality while targeting the militant elements. DG Pakistan Rangers (Sindh), Maj. Gen. Bilal Akbar rightfully asserted this when he stated that the Karachi Operation was not directed against any particular political party.<sup>44</sup>

#### Public Statements and Civil Military Relation in Sindh

Perhaps due to the Operation launched in Karachi with marked preponderance of the Military leadership, recurrent friction was observed between civil-military leadership of the province, including public statements by Mr. Asif Ali Zardari, Mr. Altaf Hussain, Corp V Commander Lt. Gen. Naveed Mukhtar, and DG Pakistan Rangers (Sindh) Maj. Gen. Bilal Akbar.

Lt. Gen. Naveed Mukhtar, Commander V Corp (Karachi) delivered an extraordinary speech in May 2015 during a seminar organized by the National Defence University's Alumni Organization in Karachi. The fact that the address could be perceived as openly critical of the elected Sindh Government, in full media glare, signified that the channels of communication in Sindh were not as open and fluent as were previously believed to be.

His address repeated some of the old concerns of the Military leadership that “the police and administration should be free from political interference” in Sindh along with the resolve to “bring the Karachi Operation to its logical conclusion.”

However, Corp Commander's concerns regarding the distribution of development funds by the Sindh Government, and the statement that “parallel governments and centres of power must come to an end in the province” were somewhat extraordinary, even by the Pakistan standards of Military outspokenness. An apparent rejoinder was issued by the Chairperson of the PPP, and the former President of Pakistan, Mr. Asif Ali Zardari, in which he did not directly refer to the Corp

Commander's speech, made a vague allusion to it. He urged restraint from any 'lecturing', all the while iterating that the people should be the judge of the elected Sindh Government's performance.<sup>45</sup>

Considering that Lt. Gen. Naveed Mukhtar's speech represents a well-considered institutional view of the Military, the public statements made in full media glare signify that official channels of communication have either been exhausted or considered useless by the Military leadership. Many observers believe that the statements possibly also underscore that the Military leadership is running out of patience with the alleged complicity of some political parties in the militant nexus.

It is certain that the political leadership across party divide should persuade and help the Sindh Government to reform, reinvent, and reassert itself. Also, the supremacy of democratic civilian leadership can only be established and sustained if it learns how to provide effective, and good governance.

The first incident was marked by Mr. Altaf Hussain's somewhat belligerent response, which many considered to be a threat, to the Pakistan Rangers' (Sindh) raid on the MQM Headquarters on March 11, 2015. The second incident was the outrageous criticism by Mr. Altaf Hussain on May 02, 2015<sup>46</sup> against the Pakistan Army, after the Press Conference by SP Rao Anwar criticizing MQM for its alleged relations with the Indian Intelligence Agency, Research and Analysis Wing (RAW), aired by all the major media outlets in the country.

Critically, a delay was observed in the case of the remarks made by Mr. Altaf Hussain on May 02, 2015, with the ISPR apparently forced to condemn the statement first due to no response emanating from the elected Government. These incidents point to a detrimental abdication by the elected Government of protecting prestige of a State Institution which is Constitutionally sub-ordinate and part of the Government, giving the perception that the either the elected Government was not against the public criticism, or pointing to its apparent inefficiency in not being able to draw up an effective and timely response.

44. For details, please see PILDAT's Monitor on Civil-Military Relations in Pakistan for the month of April 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Apr012015\\_Apr302015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Apr012015_Apr302015.pdf)

45. For details, please see the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, May 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_May012015\\_May312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_May012015_May312015.pdf)

46. On March 12, 2015 during an interview to Mr. Shahzeb Khanzada of Geo Television, Mr. Altaf Hussain stated that '*Jin afsaraan nay meray ghar peh chaappa mara, who Rangers kay afsaraan thay – who thay*'. For details, please see the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, March 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Mar012015\\_Mar312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Mar012015_Mar312015.pdf)

## Major Developments affecting Civil-Military Relations in Pakistan

June 01, 2013 - May 31, 2015

In this regard, Pakistan's Media also hold a critical responsibility of not airing live such remarks not only by the MQM Chief but by any other person as well. Often it has been observed that his speeches are given extended airtime without any regard to the contents of the speech. Such a pattern should be discouraged in favour of airing dignified speeches that do not ridicule any State Institution.

The fiery speech made by the Co-Chairman of the PPP and former President of Pakistan, Mr. Asif Ali Zardari on June 16, 2015 was yet another development related to the civil-military friction observed in Sindh. The diatribe, which is almost unconventional for Mr. Zardari's usually passive demeanour, was openly critical of the Military, as he warned it against 'stepping out of its domain'.<sup>47</sup>

Such criticism of the Armed Forces by a person who had been President / Commander-in-Chief of the Armed Forces and whose party rules a Province at a time when we are in a state of war is irresponsible, to say the least. Mr. Zardari or the representatives of the Sindh Government should have raised it in an appropriate forum such as the apex committee. Additionally, Mr. Zardari should be giving out facts and constitutional references if he chooses to go public on an issue as serious as this rather than going for an emotionally charged tirade. Mr. Zardari's party, instead of endorsing his tirade, should have held him accountable for irresponsible utterances.<sup>48</sup>

Perhaps displaying the 'twice shy' syndrome in the aftermath of its posture following the assassination attempt on Mr. Hamid Mir, the Federal Government's quick criticism of Mr. Zardari's speech provides yet another window into the complex nature of our present-day equation of civil-military relations. That the Prime Minister cancelled his pre-scheduled meeting with Mr. Zardari after the latter's outburst could have been

enough of a signal of him distancing himself from Mr. Zardari's views. However, in a very curious fashion, Mr. Sharif, the elected Prime Minister of Pakistan, especially called the Chief of Army Staff, who was on a visit to Russia at the time,<sup>49</sup> to reportedly convey personally to the Army Chief his distancing from Mr. Zardari's "criticism of the armed forces."

In yet another development, a Press Release was issued by the Pakistan Rangers (Sindh) on June 11, 2015 alleging that annually a total of Rs. 230 billion was collected through illegal means in Karachi.

The statements declared the 'District Government, District Administration, construction companies, estate agents and police officials' to be complicit in the racket.<sup>50</sup> The Press Release was based on a presentation by Director General Pakistan Rangers (Sindh), Maj. Gen. Bilal Akbar, during a meeting of the Apex Committee of Sindh on June 04, 2015, chaired by Chief Minister of Sindh, Syed Qaim Ali Shah, MPA.

The development signifies yet another public statement, critical of the Sindh Government, issued by the Military leadership with regards to the Karachi Operation. It came on the heels of the speech made by Corp V Commander, Lt. Gen. Naveed Mukhtar on May 16, 2015, encapsulating the Military leadership's concerns about performance of the Sindh Government vis-à-vis law and order situation in the province.<sup>51</sup> The weeklong lapse between the presentation at the Apex Committee meeting, and the Press Release issued on its basis was a cause of perplexity for many observers. However, some clue for the delay may be furnished by a Report published in The News that stated:

*"In the last apex committee meeting [i.e. on June 04, 2015], the Chief Minister had agreed to constitute a Committee to look into the allegations regarding involvement of ministers, politicians,*

47. For details, please see Zardari cautions military establishment for 'stepping out of domain', Dawn, June 17, 2015, as accessed on July 02, 2015 at:

48. While the comments in the media by the PPP Vice President Senator Sherry Rehman essentially said that Mr. Zardari's statement referred to former Military dictators,, a press release emanating from the party's Central Executive Committee meeting held on June 17, 2015 stated that "taking notice of media comments on the co-chair's remarks made at a party event where only one part of the speech was emphasized repeatedly. The meeting decided that it is important for all institutions to work within their mandated constitutional parameters." As accessed on July 9, 2015 at: <https://mediacellppp.wordpress.com/2015/06/17/ppp-central-executive-committee-resolution> Additionally, Mr. Qamaz Zaman Qaira, a senior member of the PPP stated that 'PPP had strong reservations about role of the Army but always respected it'.

49. For details, please see the tweet issued by the PPP's Media Cell on June 18, 2015, as accessed on July 09, 2015 at: <https://twitter.com/MediaCellPPP/status/611507788301205505>

50. For details, please see PM, COAS agree to continue operation against terrorists and criminals, The News, June 24, 2015, as accessed on July 02, 2015 at: <http://www.thenews.com.pk/Todays-News-13-38210-PM-COAS-agree-to-continue-operation-against-terrorists-criminals> According to the Press Release, these illegal activities include extortion, land-grabbing, smuggling of Iranian diesel and illegal water supply, and 'China-cutting'. For details, please see Over Rs. 230 billion collected in Karachi annually: DG Rangers, Geo TV, June 11, 2015, as accessed on July 02, 2015 at: <http://www.geo.tv/article-187689-Over-Rs.230-billion-illegally-collected-in-Karachi-annually-DG-Rangers>

51. For details, please see the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, May 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_May012015\\_May312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_May012015_May312015.pdf)

*bureaucrats in serious financial crimes, which directly or indirectly contribute to terrorism and other grave crimes. However, after the Chief Minister had consulted his party leadership, it was decided not to proceed against Ministers, politicians and senior members of the bureaucracy on the basis of Rangers' complaint".<sup>52</sup>*

Given that this was indeed the case, it unfortunately signifies that the existing forums for civil-military interaction in Sindh, and their effectiveness have significantly been exhausted. The Press Release issued patently belies frustration on the part of the Military leadership with regards to the Sindh Government stalling the formation of a Committee to investigate the allegations.

A Committee was finally formed by the Sindh Government, upon orders of the Chief Minister, on June 12, 2015. However, for many observers, it is nothing more than an eyewash as the committee's independence is questionable on account of its very composition which consists of two hand-picked former (not serving) members of the Judiciary, and the Home Secretary of Sindh (who reports to the Home Minister and the Chief Minister and hence can't be expected to be a part of a quest which may embarrass the Chief Minister or his Cabinet colleagues and party comrades.<sup>53</sup>

PIL DAT believes that adequate internal mechanisms already exist within the Sindh Government to hold those accountable that committed the crimes mentioned in the allegations levelled by the paramilitary force. Considering that the Pakistan Rangers (Sindh) have given a precise amount of Rs. 230 billion collected through illegal activities, it implies that sufficient evidence may already exist to carry out an effective prosecution. This should indeed be the course adopted by the Sindh Government rather than the formation of a Committee to apparently hoodwink not only the various institutions involved, but also the populace, also leading to a critical waste of the Government's time and resources.

### **NA-246 By-Election: Apparent Disconnect Between the Pakistan Rangers (Sindh) and the Elected Sindh Government**

Following the Pakistan Rangers' (Sindh) deployment, as requested by the ECP for 'maintaining peace during by-election in NA 246 (Karachi VIII)<sup>54</sup> and their demands for placing CCTV Cameras and biometric verification system at every polling station spoke volumes not only about the inability of the ECP to grasp and provide for stringent requirements of holding free and fair election in Pakistan, but also the inability of the province's Police service to effectively assist in this regard.

An apparent disconnect was also observed between the Provincial Government of Sindh and the Pakistan Rangers (Sindh) with regards to the ban on pillion riding in all districts of Karachi from April 21-23, 2015, for the by-election. Apparently, to rebuff the impression that the call had emanated from the Pakistan Rangers (Sindh) and to allay the apprehensions of the Chief Minister when he stated that he was 'not at all consulted on banning pillion riding in Karachi',<sup>55</sup> DG Rangers, Maj. Gen. Bilal Akbar on April 24, 2015 stated that the ban had been imposed by the Home Department of the Government of Sindh, not the Rangers.<sup>56</sup>

This unfortunately signifies the lack of coordination between the civilian Government and the Pakistan Rangers (Sindh). The Rangers have been deployed in Karachi to undertake a task. If, however, the prevailing disconnect continues, it is likely to dilute not only the effectiveness of the Pakistan Rangers (Sindh), it will put a question mark behind the whole objective of the deployment. In the light of on-going security operation in Karachi, DG Rangers, Maj. Gen. Bilal Akbar, has also made it a point to state that the Karachi Operation is not against any particular political party, emphasizing a much-needed above-the-board approach.<sup>57</sup>

### **Lack of Institutionalization in Civil-Military Interactions and National Security**

Although the PML-N Government did fulfil one of its

52. For details, please see War of nerves between PPP and establishment, The News, June 12, 2015, as accessed on July 02, 2015 at: <http://www.thenews.com.pk/Todays-News-2-323188-War-of-nerves-between-PPP-and-establishment>

53. For details, please see Sindh govt. forms Committee to probe Rangers' terror-funding claims, Dawn, June 13, 2015, as accessed on July 02, 2015 at: <http://www.dawn.com/news/1188002>

54. For details, please see Sindh EC approaches ECP for deployment of Army, Rangers, The News, April 07, 2015, as accessed on May 01, 2015 at: <http://www.thenews.com.pk/Todays-News-13-36843-Sindh-EC-approaches-ECP-for-deployment-of-army-Rangers>

55. For details, please see NA-246: Ban on pillion riding lifted in all but one district in Karachi, The Express Tribune, April 22, 2015, as accessed on May 01, 2015 at: <http://tribune.com.pk/story/874077/na-246-by-polls-ban-on-pillion-riding-lifted-in-all-but-one-district-in-karachi>

56. For details, please see Rangers chief explains that the Karachi operation 'is not against any particular party', Dawn, April 25, 2015, as accessed on May 01, 2015 at: <http://www.dawn.com/news/1178052/rangers-chief-explains-karachi-operation-is-not-against-a-particular-party>

57. Ibid.

manifesto pledges and established the Cabinet Committee on National Security (later to be renamed as the National Security Committee or the NSC) replacing the formally dormant Defence Committee of the Cabinet (which held only 12 meetings in the 5 years of the PPP Government), the Committee has only met 4 times for the first two years of the current Government, signalling the severely slow progress towards institutionalization of decision-making on matters of national security.

Apart from the blatant under-utilization of the NSC, the Parliament has also largely been sidelined not only by the Government, but also the major political parties in debating and forming consensus on national security issues. Therefore, one saw the Government calling All Parties Conferences (APCs) on issues such as pursuing talks with the militants, and forming a consensus on Military Courts, rather than referring the matter to the Parliament.

In a disturbing trend, for the 62 times the Prime Minister and the COAS met during the first two years of the Government, only four meetings of the NSC were held. Additionally, the Federal Minister for Defence, Khawaja Muhammad Asif, MNA, was only present in 20 (32%) of these meetings.

Another evidence of the ad-hoc and informal institutional structure governing civil-military interactions are developments such as the Federal Minister for Finance, Senator Muhammad Ishaq Dar, exclusively visiting the GHQ on March 09, 2014 to discuss the year's Defence budget, along with the Chief Minister of Punjab, Mr. Shahbaz Sharif, MPA, interacting exclusively with the COAS before the Prime Minister's visit to India in May 2014, and during the height of the sit-ins by the PTI and the PAT in August 2014.

Similar institutions in other countries like the National Security Committee of Pakistan are primarily consultative forums that facilitate decision-making but are not the decision-making institutions. Decision-making is the privilege of constitutionally mandated forums such as the Cabinet. Generally only the senior-most military commander such as Chairman Joint Chiefs of Staff represents the Armed Forces at the security body and uniformed personnel attend in an advisory role rather than as full members. Whereas the formation of a National Security Committee with a permanent secretariat is a welcome step, its composition, its decision-making role and lack of any

fixed periodicity of meetings need to be revisited and reformed

### **Dealing with Terrorism: Balance between Human Rights and Counter-Terrorism**

There is an inherent tension the world over in States struggling with maintaining a balance in laws designed to protect people from the threat of terrorism and the enforcement of these laws to be compatible with people's rights and freedoms.

In the case of Pakistan, which is facing the worst-ever forms of terrorism in its history, the question is fraught with greater challenges. What, for instance, are the requirements of an effective counter- terrorism legislative regime? How do we strengthen and protect our security and law enforcement agencies as our first and most effective line of defence, while ensuring that they operate within the ambit of Constitution and law? How do we strike this delicate balance of civil-liberties and effective counter- terrorism regime while ensuring and maintaining the Constitutional primacy of the civilian, elected political Governments vis-a-vis the defence and security establishment.

The case of Missing Persons actively pursued by the Supreme Court, and the cause for much criticism by not only residents of Balochistan, but also members of the civil-society, presents one challenge of the delicate balance between civil liberties and effective counter-terrorism. The first and foremost question is whether we have what it takes, in terms of a legal regime, to carry out effective counter-terrorism. Our security agencies have continued to complain the absence of an effective anti-terrorism legal establishment essential for them to carry out their work effectively. However, with measures introduced through legislation including the Anti Terrorism (Amendment) Act 2012, the Protection of Pakistan Act in 2014, and the 21st Constitutional Amendment in 2015, sufficient powers have been granted to the security agencies in this regard.

Additionally, the recent candid admission by the Chief Minister of Balochistan, Dr. Abdul Malik Baloch, MPA, that there had been no progress on the Missing Persons' issue,<sup>58</sup> amidst criticism by various quarters of the civil society against the Pakistan's Military leadership for following an opaque policy on the Balochistan issue, it is clear that this is a classic case of the prevailing disconnect on civil-military relations. The issue of peace and order in Balochistan is not an issue of the Military alone, nor is the communication of

58. For details, please see Missing Person, Dawn, May 11, 2015, which can be accessed at: <http://www.dawn.com/news/1181183/missing-persons>

policies and facts on the situation their responsibility alone. It is instead the elected political Government in Balochistan, as well as the Federal Government in Islamabad, who need to articulate facts, figures and policy perspectives on the state of play in the province. To abdicate this role to a State institution, constitutionally subservient to the elected Government, is in itself a policy lapse that contributes to compounding and not resolving the issues in the province.<sup>59</sup>

#### **Cantonment Board Elections held after 17 years**

After a long gap of 17 years, Cantonment Board elections were held in 42 Cantonment Boards across the country on April 25, 2015. All the stakeholders involved in the Cantonment Board election should be congratulated for carrying out the exercise before the Provincial Governments of Punjab, Sindh and Khyber Pakhtunkhwa could hold their respective local government elections.

In the context of civil-military relations, the composition of the Cantonment Boards is worthy of consideration. Each Board primarily consists of 25 members, 12 of whom are elected, and the Station Commander, who is the Chair of the Cantonment Board, appoints the remaining 12. Many observers believe that the veto power that resides with the Chair of the Board, and the equal number of elected and non-elected members in it is contrary to principles of popular democratic control. The perception was perhaps best captured by an Editorial published in Dawn on April 27, 2015 that stated that “the nature of garrison areas has changed and many of them are now very much part of the urban environment, with large civilian populations, hence the input of civilians in their administration is as important as of those in uniform.”

However, there is a plausible justification for the current dynamics of the Cantonment Board, considering that the areas even today primarily remain a conserve of Military related activities. At the same time, it is also essential that civilians living in Military administered areas have a voice so that they can raise pertinent issues. Lastly, the mantle falls upon the elected representatives to ensure effective performance of the Cantonment Boards so that complete civilian control can be gradually introduced in the areas.<sup>60</sup>

59. For details, please see PILDAT's Monitor on Civil-Military Relations in Pakistan, April 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_Apr012015\\_Apr302015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_Apr012015_Apr302015.pdf)

60. For details, please see the PILDAT publication titled Monitor on Civil-Military Relations in Pakistan, May 2015, which can be accessed at: [http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan\\_May012015\\_May312015.pdf](http://www.pildat.org/Publications/publication/CMR/MonitorOnCivil-MilitaryRelationsinPakistan_May012015_May312015.pdf)

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## International Focus: Civil-Military Relations across the world

### The Case of Thailand

Thailand has come under international focus during the past two years due to worsening civil-military relations, which have seen the complete ascendancy of the latter. In response to rampant pressure by the Opposition, Thailand's Prime Minister Ms. Yingluck Shinawatra, announced in December 2013 that early elections will be held in February 2014 amidst calls for her to step down. However, when the election did take place, it was termed to be null and void by the country's Constitutional Court, following disruptions and street protests by the Opposition.<sup>61</sup> After the Court's decision to remove Prime Minister Shinawatra and several members of her Cabinet, the Army seized power in May 2014. The Thai King Bhumibol also gave his assent to form an interim Constitution enacted by Military leadership, which gave the institution sweeping powers. In August 2014, the National Assembly of Thailand (which is believed to have been deliberately constituted by the Military leadership to include Military loyalists) elected the Army Chief, General Prayut Chan-o-cha, as Prime Minister and the Martial Law was declared formally ended on April 01, 2015.<sup>62</sup> According to various international observers, general election in Thailand is not expected till May 2016.

An instructive lesson for Pakistan civil-military relations from the case of Thailand is the likely effects of extreme polarization of politics on a country. The most recent coup was preceded by street protests by the opposition Democrat Party, which were explicitly aimed at provoking a coup. The crucial problem with Thai democracy (when it was in place) was the losers' refusal to accept electoral outcomes – and this refusal manifesting itself on the streets. This gave the military an excuse to step in and 'restore the order'.<sup>63</sup> This is identical to the protests launched by the PTI against the PML-N Government, and points to the need of exhibiting maturity and an inclination to dialogue when it comes to political conflicts. Another lesson is that political forces having exclusive domains of influence tend to destabilise the society. Shinawatras' party is largely popular in rural areas while the opposition is strong in the urban centres. Despite demonstrating overall popularity by Shinawatras, their ability to govern remained questionable. The divide eventually

destabilised the society and paved the way for military take over.

### The Case of Burkina Faso

In a major development for Civil-Military relations around the world, on October 30, 2014, the Army of Burkina Faso launched a coup d'état overthrowing the 27-year old regime of the West African country's President, Mr. Blaise Compaoré. On November 1, 2014, the Army designated as Interim President a close confidante of Compaoré, Colonel Isaac Yacouba Zida. However, according to media, the military leadership is coming under exceeding pressure by the civil society organizations and the Opposition parties of Burkina Faso to hand over power to a civilian Government.

The Burkina Faso episode can be extremely instructive for countries with strained Civil-Military relations in the context of what brought about the coup. Firstly, the Compaoré regime had become exceedingly dictatorial with his Presidency stretching over 27 years. What set off the final protests was a move by Compaoré to introduce a Constitutional Amendment so that he could enjoy a fifth term as well. Amidst increasing costs of living, the President and his term stretching almost over three decades was increasingly seen as the main reason for bad governance plaguing the country.

What further alienated the people of Burkina Faso from Compaoré was what was deemed to be his 'neo-military interventions in Ivory Coast in 2011 and the on-going war in Mali. According to many analysts, he was increasingly deemed to be a tout of the Western forces by the citizens of the country.

Perhaps the most important lesson to be extracted from the episode is the fact that the Military Establishment, in any country with dominant military leadership at the cost of the civilian one, does not support a discredited regime, lest it should damage its own popularity and sway amongst the citizens as well. Therefore, even though Compaoré came to power through a military coup in 1987, members of the very same institution whose loyalty he once possessed overthrew him. A similar phenomenon can also be witnessed in the overthrow of Hosni Mubarak, facilitated by the army, in the face of massive public protests, even though he belonged to the Egyptian armed forces, and his eventual replacement by another military dictator.

61. For details, please see the Thailand coup leaders hold ex-PM Yingluck Shinawatra, CBC News, May 22, 2014, as accessed on May 01, 2015 at: <http://www.cbc.ca/news/world/thailand-coup-leaders-hold-ex-pm-yingluck-shinawatra-1.2650454>

62. For details, please see Thai coup General named PM, BBC News, August 21, 2014, as accessed on May 01, 2015, at: <http://www.bbc.com/news/world-asia-28876154>

63. For details, please see Morsi, 100 others sentenced to death, Dawn, May 17, 2015, which can be accessed at: <http://www.dawn.com/news/1182491>

**The Case of Egypt**

Since former President Mohammad Morsi's Government was overthrown on July 03, 2013, and Gen. Abdul Fateh al-Sissi won the Presidential election on May 28, 2014, it has become obvious that the Mubarak-era Military-dominated order has resurfaced, with democratic supremacy taking a back seat. The death sentence granted to Mr. Morsi on May 14, 2015 is just another development in a series of many negative ones for civil-military relations in Egypt.<sup>64</sup>

Many have wondered why Egypt's stint with democracy was short lived, although there was much optimism surrounding the advent of the Morsi Government. For many observers, during his 12 months in power, Mr. Morsi was seen as being preoccupied with establishing political control rather than tackling economic and social problems. This included unilaterally decreeing greater authorities for himself and effectively neutralizing a judicial system by declaring that the courts are barred from challenging his decisions.

The result in Egypt was rampant protests against the Morsi regime, with the Egyptian Army, the most organized institution of the country, taking control in face of turmoil. It needs to be noted that even in the face of protests against the measures adopted by Mr. Morsi, the Constitutional recourse would have been to revert back to the ballot box, and the let people sit in judgment of the regime. All too often it has been seen in developing democracies that the Military sits in judgment of an elected Government, numerous examples of which are found in Pakistan as well. This impulse on part of the Military leadership needs to be discouraged, in favor of popular and democratic consolidation.

Perhaps the greatest lesson that can be learnt from the Egyptian case is the fact that consolidation of democracy is a slow, and drawn-out process. Years of dictatorial rule perpetuate institutional imbalances that are counter-productive to democratic impulses. Therefore, in periods of transition, it is important for elected leaders to not only tread carefully in consolidating power, but also ensuring good governance so that the legitimacy of democracy as a system is established.

64. For details, please see Morsi's Constitutional Declarations Grant Egypt's President Far-Reaching Powers, The Huffington Post, November 22, 2012, as accessed on May 10, 2015 at: [http://www.huffingtonpost.com/2012/11/22/morsi-constitutional-declaration\\_n\\_2175651.html](http://www.huffingtonpost.com/2012/11/22/morsi-constitutional-declaration_n_2175651.html)

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**Islamabad Office:** P. O. Box 278, F-8, Postal Code: 44220, Islamabad, Pakistan  
**Lahore Office:** P. O. Box 11098, L.C.C.H.S, Postal Code: 54792, Lahore, Pakistan  
E-mail: [info@pildat.org](mailto:info@pildat.org) | Website: [www.pildat.org](http://www.pildat.org)